

**DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**VESSEL HARVESTING RETRACTOR WITH INTEGRAL  
ELECTROSURGICAL CLAMPING ELEMENTS**

the specification of which

(check one)    ☐ is attached hereto.

☒ was filed on September 28, 2001, as  
Application 09/967,201 and  
was amended on \_\_\_\_\_ (if  
applicable.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Country	Application Number	Date of Filing (Day/Month/Year)	Priority Claimed Under 35 U.S.C. §119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as well as to file equivalent patent applications in countries foreign to the United States including the filing of international patent applications in accordance with the Patent Cooperation Treaty: Philip S. Johnson (Reg. No. #27,200), Steven P. Berman (Reg. #24,772), Andrea L. Colby (Reg. #30,194), Michael Stark (Reg. #32,495), Matthew S. Goodwin (Reg. #32,839), Richard Skula (Reg. #31,061), William K. Wissing (Reg. #34,757), Brian S. Tomko (Reg. #41,349, One Johnson & Johnson Plaza, New Brunswick, NJ 08933, and Kenneth L. King (Reg. #24,223), Frank S. DiGiglio (Reg. #31,346), Leopold Presser (Reg. #19,827), Paul J. Esatto, Jr. (Reg. #30,749), 400 Garden City Plaza, Garden City, NY 11530.

Address all correspondence and telephone calls to:

Kenneth L. King, Esq.  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:  
Full Name of First Inventor

  
Christopher J. Hess

Date: 12.07.01

Citizenship:

USA

Residence:

958 Whispering Pine Way

Lebanon, OH 45036

Post Office Address:

Same as residence

Inventor's Signature:  
Full Name of Second Inventor

  
Michael F. Clem

Date: 12-7-01

Citizenship:

USA

Residence:

1262 Avalon Drive

Maineville, OH 45039

Post Office Address:

Same as residence

[x] Signature for third and subsequent joint inventors.  
Number of pages added 1.

Inventor's Signature:  
Full Name of Third Inventor

Gary W. Knight  
Gary W. Knight  
Date: 12/6/01

Citizenship:  
Residence:

USA  
8264 Meadowlark Drive  
West Chester, OH 45069  
Same as residence

Post Office Address:

Inventor's Signature:  
Full Name of Fourth Inventor

Rudolph H. Nobis  
Rudolph H. Nobis  
Date: 12.6.01

Citizenship:  
Residence:

USA  
4594 Atrium Court  
Mason, OH 45040  
Same as residence

Post Office Address:

Inventor's Signature:  
Full Name of Fifth Inventor

Dale R. Schulze  
Dale R. Schulze  
Date: 12-6-01

Citizenship:  
Residence:

USA  
226 S. Mechanic Street  
Lebanon, OH 45036  
Same as residence

Post Office Address:

A S S I G N M E N T

Serial No.: 09/967,201  
Filed: September 28, 2001

WHEREAS, Christopher J. Hess, Michael F. Clem, Gary W. Knight, Rudolph H. Nobis and Dale R. Schulze (each hereinafter called "Assignor"), have made certain new and useful inventions or discoveries relating to an

VESSEL HARVESTING RETRACTOR WITH INTEGRAL  
ELECTROSURGICAL CLAMPING ELEMENTS

for which they have executed an application for Letters Patent of the United States on even date herewith; and

WHEREAS, Ethicon, Inc., a corporation of the State of New Jersey (hereinafter called "Assignee"), is desirous of acquiring each Assignor's entire right, title, and interest therein:

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to him moving, the receipt of which is hereby acknowledged, each Assignor has sold, assigned, and transferred, and does hereby sell, assign and transfer unto said Assignee his entire right, title and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by each Assignor if this Assignment and sale had not been made;

And each Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, each Assignor covenants and agrees with said Assignee that he has a full and unencumbered title to the inventions and discoveries above

described and hereby assigned, which title he warrants unto said Assignee, its successors and assigns;

And for the consideration aforesaid, each Assignor further covenants and agrees that he will, whenever requested, but without cost to him promptly communicate to said Assignee or its representatives any facts known to him relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 25 day of December, 2001.

Date December 7, 2001 Christopher J. Hess (L.S.)  
Christopher J. Hess

STATE OF Ohio )  
COUNTY OF Franklin ) ss.

BE IT REMEMBERED, that on this 25 day of December, 2001, before me, a Notary Public, personally appeared Christopher J. Hess, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Patricia Anne Jara  
Notary Public

PATRICIA ANNE JARA  
Notary Public, State of Ohio  
My Commission Expires Sept. 22, 2003

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 17th day of December, 2001.

Date December 6, 2001 Michael F. Clem (L.S.)  
Michael F. Clem

STATE OF Ohio )  
COUNTY OF Hamilton ) ss.

BE IT REMEMBERED, that on this 17th day of December, 2001, before me, a Notary Public, personally appeared Michael F. Clem, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Patricia Anne Jara  
Notary Public  
PATRICIA ANNE JARA  
Notary Public, State of Ohio  
My Commission Expires Sept. 22, 2003

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 17th day of December, 2001.

Date December 6, 2002 Gary W. Knight (L.S.)  
Gary W. Knight

STATE OF Ohio )  
COUNTY OF Hamilton ) ss.

BE IT REMEMBERED, that on this 17th day of December, 2001, before me, a Notary Public, personally appeared Gary W. Knight, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Patricia Anne Jara  
Notary Public  
PATRICIA ANNE JARA  
Notary Public, State of Ohio  
My Commission Expires Sept. 22, 2003

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 10th day of December, 2001.

Date December 6, 2001 Rudolph H. Nobis (L.S.)  
Rudolph H. Nobis

STATE OF Ohio )  
COUNTY OF Hamilton ) ss.

December BE IT REMEMBERED, that on this 10th day of December, 2001, before me, a Notary Public, personally appeared Rudolph H. Nobis, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

PATRICIA ANNE JARA  
Notary Public, State of Ohio  
My Commission Expires Sept. 22, 2003

Patricia Anne Jara  
Notary Public

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 10th day of December, 2001.

Date December 6, 2001 Dale R. Schulze (L.S.)  
Dale R. Schulze

STATE OF Ohio )  
COUNTY OF Hamilton ) ss.

December BE IT REMEMBERED, that on this 10th day of December, 2001, before me, a Notary Public, personally appeared Dale R. Schulze, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

Patricia Anne Jara  
Notary Public  
PATRICIA ANNE JARA  
Notary Public, State of Ohio  
My Commission Expires Sept. 22, 2003